

REMARKS

The final Office Action dated May 21, 2003 has been received and carefully studied. The pending claims are claims 1 and 3-11. The independent claims are claims 1, 6, 8, 9 and 10. Claims 1, 3-6 and 8-11 are rejected as obvious under 35 U.S.C. § 103 in view of *Ohanian* (U.S. Patent No. 6,122,287) and *Kudoh* (U.S. Patent No. 6,154,458). Claim 7 is indicated to be allowable if placed in independent form, and therefore claim 7 is now place in independent form.

Applicant respectfully disagrees that *Kudoh* renders the present invention obvious. The part of the disclosure in *Kudoh* that might have some distant resemblance to the present invention is the second one of the suggested protocol negotiation methods of *Kudoh*. According to said method in *Kudoh*, the central unit requests the terminal to tell which protocol the terminal would like to use, after which the central unit starts using said protocol. Actually such a request may originate from the calling terminal, and the fact that it is a "central unit" that transmits it to the called terminal is just a consequence of the fact that all traffic between the calling terminal and the called terminal goes through an ATM switch that acts as a central unit.

For example, if we look at column 4, lines 16-32 of *Kudoh*, it describes the following steps:

- the calling terminal requests, through the ATM switch, the called terminal to provide information about a signalling protocol it supports
- the calling terminal receives, through the ATM switch, the information about the signalling protocol supported by the called terminal
- the calling terminal changes its own currently used signalling protocol to match the signalling protocol indicated by the called terminal.

According to what *Kudoh* calls his embodiment 1, each terminal contains a permanently stored start-up routine that causes the terminal to transmit, at power-up stage, information about the supported signalling protocol to the nearest ATM switch. This start-up routine is described between column 9, line 38 and column 10, line 21.

When a terminal becomes a "call-out" terminal according to the language of *Kudoh*, i.e. wants to set up a connection to another terminal (the "call-in" terminal), it transmits a request message known as a "Get-request" to the ATM switch. Producing this request and conveying it in an UDP packet is described in great detail between lines 8 and 49 of column 11. The ATM switch receives the request message, reads the requested signalling information from a table stored at the ATM switch and transmits it back to the "call-out" terminal in a "Get-response" message. The appropriate operation of the ATM switch is described between line 49 of column 11 and line 57 of column 12. After having received the "Get-response" message the call-out terminal executes a signalling information matching process, the description of which fills the most of column 13 in *Kudoh*.

Beginning on line 9 of column 14, *Kudoh* describes a slightly contradictory process according to which the ATM switch starts delivering signalling information, describing the signalling protocols supported by the various terminals, spontaneously after having received the signalling information announcements of each terminal at power-up stage. It is possible that lines 19-21 of column 14 contain an error: if they were to conform to what *Kudoh* described earlier, these lines should read "The ATM switch 10, on receiving a "Get-request" from the terminal 11 concerning the signalling information about the terminal 12, executes a signalling information supply process".

In any case, the Office Action's references to lines 49-53 of column 14 in *Kudoh* are incorrect, at page 3 of the Office Action. These lines of *Kudoh* have nothing to do with exchanging signalling information. They describe a situation that can only occur after all relevant signalling information has been exchanged. More precisely, said lines describe how the calling terminal starts setting up the connection to the called terminal, by transmitting a certain set-up request message. In order to know how to formulate said set-up message, the calling terminal must already know, which signalling protocol the called terminal is using. If the calling terminal did not know this, it could not formulate the set-up message in a form that would be understandable to the called terminal. Note lines 33-36 of column 14 in *Kudoh*: they clearly and unmistakably describe, how the message exchange for setting up the call can only begin after

there has been established a state in which all participating devices operate under the same signalling protocol.

The more relevant description in *Kudoh* begins on line 38 of column 16, and is related to what *Kudoh* calls his embodiment 2. According to this embodiment, the signalling protocol information is not permanently stored in the ATM switch: whenever the ATM switch receives a request message from a call-out terminal, it forwards this request to the appropriate call-in terminal, in order to obtain the requested information therefrom. This way the signalling protocol information is obtained, so to say, "on-line" from the appropriate target terminal each time when a connection is about to be set up.

The passage where the Office Action's argumentation goes wrong, is lines 8-12 of page 3 in the Office Action. *Kudoh* admittedly does teach that a message is sent from a central unit to a terminal (although the relevant occasion of this teaching does not appear at the point cited by the Examiner, but at column 17, lines 4-8). However, it is important to note that *Kudoh* does *not* teach that the message sent *from the central unit to the terminal* would indicate the *signalling protocols supported by the central unit*. The message sent from the central unit to the terminal is simply a request for the terminal to tell which is the signalling protocol currently supported by said terminal. In other words the central unit does not say "I support signalling protocols A, B, and C, which one of these would you prefer?" as in the applicant's invention as claimed. Instead, according to *Kudoh*, the central unit simply asks "what signalling protocol do you support?" without giving any alternatives.

Similarly, *Kudoh* admittedly does teach that a terminal responds to a request message by transmitting a response message that indicates a signalling protocol. However, *Kudoh* does *not* teach that such a response would indicate the terminal's *selection* for signalling protocol. This is a simple consequence of the fact that *Kudoh*'s central unit did *not* provide any alternatives to select from. The response message indicates the signalling protocol in use in said terminal.

Since the rejections are based on an imperfect and indeed incorrect interpretation of *Kudoh*'s disclosure, the claims are not now amended further, except that claim 7 is placed in independent form. Nowhere in *Kudoh* is there a teaching or suggestion about some *request*

message indicating the *selection of signalling protocols supported by the transmitter of such a request message*.□

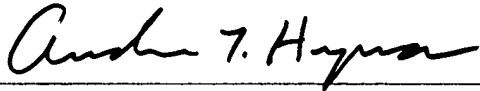
CONCLUSION

For these reasons, it is respectfully believed that the present claimed invention is very different from the cited references, and from any combination of those references. Early passage of the pending claims to issue is earnestly solicited. Applicant would appreciate if the Examiner would please contact Applicant's attorney by telephone, if that might help to speedily dispose of any unresolved issues pertaining to the present application.

Respectfully submitted,

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